THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.NO.7253 OF 1997

Dated: 28.9.2007

Between:

The Ex.Servicemen Welfare Association,
Tirupati, rep.by its General Secretary,
Sri S.M.Krishna Murthy.
… Petitioner

and

1.The District Collector,
Chittoor and others.
… Respondents

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O R D E R:

This writ petition has been instituted by Ex.Servsicemen Welfare Association, Tirupati seeking a writ of mandamus to declare the inaction on the part of the respondents 1 to 4 in not finalizing allotment of land in Survey No.14/6 and 14/7 of an extent of Ac.0.24 cents and Ac.0.06 cents respectively of Tirupati in favour of the writ petitioner association.

2. It is the claim of the writ petitioner association that it is working for the welfare of the Ex.servicemen and that they intended to establish a Sainik Bhavan at Tirupati and for achieving this objective they solicited allotment of suitable land and in pursuance thereof land situated in Sy.Nos.14/1 and 14/4 of Tirupati of a total extent of Ac.0.30 cents has been identified for allotment, as the said land is classified as government poramboke site. It is also further asserted that the Mandal Revenue Officer, Tirupati had made recommendations for allotment of the site in favour of the petitioner association on several dates in February and March, 1996. The petitioner association was also asked to secure 'No objection' from the local municipality and that the Tirupati Municipality passed Resolution No.248,

dated 17.7.1996 for the said purpose. At that stage, at the instance of the members of the neighbouring NGO's colony, the revenue administration had not finalised the actual allotment of land and that prompted the writ petitioner association to institute this writ petition seeking the relief as noted supra.

2. The Chittoor District N.G.O. Co-operative Building Society, Tirupati got impleaded to the above writ petition as 5th respondent. It has asserted that they were allotted land in S.No.14 through G.O.Ms.No.852, dated 20.5.1964. They asserted that a total of Ac.37.69 cents of land has been allotted in their favour subject to their payment of market value. It is further asserted that they have paid up the market value and got the land laid out into a residential colony duly providing for the roads and other civic amenities. Therefore, the 5th respondent would contend that the state's revenue administration cannot give out land of an extent of Ac.0.30 cents from out of the land allotted in their favour for purposes of allotting the same in favour of the writ petitioner association.

3. The learned Government pleader for Revenue (Assignment) had placed an additional counter-affidavit filed by the Tahasildar, Tirupati Urban Mandal, wherein it has been pointed out that pursuant to the directions issued by the District Collector and Magistrate, Chittoor, on 26.8.2007, suitable land of an extent of Ac.0.32 cents in S.No.5/1 of Anupalli village of Timmasani Gram Panchayat of Chittoor Mandal, which is abutting the Chittoor municipal limits, has been identified and found suitable for allotment to the Ex.servicemen Association. In the additional counter it was further set out that the Government is keen to hand over the said land as and when the

petitioner approaches the respondents for the said purpose.

4. I have heard the counsel for the 5th respondent and the learned Government Pleader for Revenue (Assignment) for the respondents 3 and 4. None to represent the petitioners inspite of repeatedly adjourning the matter. Now that the state's revenue administration has identified land of an extent of Ac.0.32 cents, which is abutting the Chittoor Municipal limits, I consider that the grievance nurtured by the writ petitioner association of securing allotment of suitable land for construction of an appropriate building for carrying on welfare activities of the Ex-servicemen will be adequately met with. I, therefore, consider it appropriate to direct the petitioner to approach the District Collector and Magistrate, Chittoor and the Tahasildar (TP) Urban Mandal, Chittoor District for securing the assignment and vacant possession of the land identified by the Tahasildar, as noted supra, to enable it to achieve its objective.

5. With the above direction, the writ petition stands disposed of. No costs.

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NOOTY RAMAMOHANA RAO,J

28th September, 2007.

PNV

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